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Ivan S. Kavrukov, Esq. Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036		WASHINGTON, JAMARES		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/766,724	TAKUBO, MASASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	JAMARES WASHINGTON	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 February 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12, 14, 15, 17, 18 and 20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12, 14, 15, 17, 18 and 20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 9, 2009 has been entered.

***Response to Amendment***

Amendments and response received February 9, 2009 have been entered. Claims 1-12, 14, 15, 17, 18 and 20 are currently pending in this application. Claims 1-10 have been amended to clarify claimed subject matter. Amendments and response are addressed hereinbelow.

***Claim Objections***

In light of the cancellation of claim 21, the previous objection has been rendered moot.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiroh Ohhashi et al (US 7023573 B2) in view of Alt-N Technologies, Ltd. and further in view of James R. Woodhill et al (US 5649196) and John Thorne et al (US 5958005).

Regarding claim 1, Ohhashi et al discloses a facsimile apparatus (Fig. 8 numeral 1 “Image forming device”. “...provided with a facsimile mode” at column 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 “public line”) and a local area network (Fig. 8 numeral 6 “LAN”), comprising:

a facsimile communications mechanism configured to perform a facsimile communications operation (“...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an

external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

a first image data storing mechanism configured to store image data representing a document image (Fig. 2 numeral 20, first memory which is an "image storing means" at Col. 6 line 26);

a second image data storing mechanism configured to store image data (Fig. 2 numeral 21 third memory which stores "image data" at Col. 6 lines 34-35);

a confidential data determining mechanism configured to determine whether the received document image data is confidential (a confidential data determining mechanism ("... specific document judging means" at column 3 line 63) configured to determine whether the received document image data is confidential ("... for judging whether or not the document...is a specific document" at column 3 line 64),

wherein if the confidential data determining mechanism determines that the received document image data is confidential (Col. 4 lines 43-44 wherein the document is judged as a specific document), the received document image data is stored in the facsimile apparatus only in said first image data storing mechanism that is inaccessible through the local area network (Col. 4 lines 44-48 wherein the document is prohibited from being transmitted, which reads on only being stored in one storage unit as the copy of the document would have to be transmitted to the secondary storage mechanism).

Ohhashi et al fails to disclose wherein the first image data storing mechanism being inaccessible through the local area network and the second image data storing mechanism to be accessible through the local area network.

Alt-N Technologies, in the same field of endeavor of file or document management in a computing environment utilizing public and private “folders”, which correspond to public and private storage areas, teaches first storing mechanism being inaccessible through the local area network (Pg. 4, Private folders) and the second storing mechanism to be accessible through the local area network (Pg. 5 Public folders). Although Alt-N Technologies is geared towards public and private folders within an email environment, the identical principle can be applied to receiving/transmitting facsimile image data as both are dealing with the management aspect of transmitting and receiving electronic information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the invention as disclosed by Ohhashi et al wherein there exists a first and second image data storing mechanism to utilize the teachings of Alt-N Technologies wherein storage folders inaccessible through the local area network and folders publicly accessible through the local area network are provided, given the obvious benefits disclosed within the cited art, of employing both types of folders within one system. The combination would provide the system as disclosed by Ohhashi et al with public and private storage mechanisms, each retaining the same functionality and benefits offered in the email environment disclosed by Alt-N Technologies. The modification of Ohhashi et al to use the public and private storage units rather than one memory which holds received image data and another memory for storing image data pertaining to specific documents would have constituted the mere arrangement of old elements with each performing the same function it had been known to perform (e.g., storing information), the combination yielding no more than one would expect from such an arrangement.

Ohhashi et al fails to disclose a backup arranging mechanism configured to selectively store received document image data into the first image data storing mechanism and selectively store a copy of the received document image data into the second image data storing mechanism.

Woodhill et al, in the same field of endeavor of distributed management of the storage space and data on a network system (Abstract), teaches a backup arranging mechanism (Col. 2 lines 4-5, means for selectively copying) configured to selectively store received document image data into a first image data storing mechanism and selectively store a copy of the received document image data into a second image data storing mechanism (Col. 2 lines 20-27 wherein files may be selectively copied from one of the storage areas to another of the storage areas).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the invention as disclosed by Ohhashi et al in combination with Alt-N Technologies wherein there exist a first storing mechanism inaccessible through the local area network and a second image data storing mechanism to be accessible through the local area network to utilize the teachings of Woodhill et al which discloses a backup arranging mechanism configured to selectively store received document image data into a first image data storing mechanism and selectively store a copy of the received document image data into a second image data storing mechanism to allow a user/system to back up the specific files indicated thus ensuring that the backup storage accurately reflects a user's intentions.

Ohhashi fails to disclose a controlling mechanism configured to cause the backup arranging mechanism to cancel storing the copy of the received document image data into the second image data storing mechanism, if the received document data is determined to be confidential by the confidential data determining mechanism.

Thorne, in the same field of endeavor of managing security of electronic documents ("This invention relates in general to methods and systems for managing the security of electronic documents stored in an interactive information handling system, and more particularly relates to the controlling of the confidentiality of electronic mail communications over networks" at column 1 line 4) teaches a controlling mechanism (computer software implemented) configured to cause the backup arranging mechanism to cancel storing the copy of the received document data into the second image data storing mechanism, if the received document data is determined as confidential by the confidential data determining mechanism ("At 542 the system ascertains whether archiving has been enabled. If the response is negative archiving is disabled and the message archive icon and associated menu are deactivated. Archiving is inhibited" at column 10 line 21). The above apparatus is fully capable of disabling archiving or copying (shown in Fig. 3) when the confidential message flag is set.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means, as taught by Thorne, for canceling or disabling archiving of confidential messages in the apparatus as disclosed by Ohhashi et al to "provide a method for managing the retention of pre-selected data in a manner to effectuate the desired degree of security for designated information" (column 4 line 1, Thome).

Regarding claim 4, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 1, comprising:  
communicating means for performing a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile

polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

first image data storing means inaccessible through the local area network for storing image data representing a document image (see rejection of claim 1);

second image data storing means accessible through the local area network for storing image data (see rejection of claim 1);

backup arranging means for storing received document image data into the first image data storing means and selectively storing a copy of the received document image data into the second image data storing means (see rejection of claim 1);

confidential data determining means ("... specific document judging means" at column 3 line 63) for determining whether the received document image data is confidential ("... for judging whether or not the document scanned by the image scanning section is a specific document" at column 3 line 64); and

controlling means for causing the backup arranging means to cancel storing the copy of the received document image data into the second image data storing means, if the received document image data is determined to be confidential by the confidential data determining means (see rejection of claim 1),

wherein if the confidential data determining means determines that the received document image data is confidential, the received document image data is stored in the facsimile

apparatus only in said first image data storing means that is inaccessible through the local area network (see rejection of claim 1).

Regarding claim 7, Ohhashi et al discloses the method as performed by the apparatus as rejected in claim 1 above wherein the copying step is not performed, if the received document data is determined to be confidential by the determining step (see rejection of claim 1).

4. Claims 2, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al in view of Alt-N Technologies and Woodhill et al.

Regarding claim 2, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network (see rejection of claim 1), comprising:

a facsimile communications mechanism configured to perform a facsimile communications operation (see rejection of claim 1);

a first image data storing mechanism configured to store image data representing document image, the first image data storing mechanism being inaccessible through the local area network (see rejection of claim 1);

a second image data storing mechanism configured to store image data and to be accessible through the local area network (see rejection of claim 1);

a backup arranging mechanism configured to store received document image data into the first image data storing mechanism and selectively store a copy of the received document image data into the second image data storing mechanism (see rejection and motivation of claim 1);

a confidential data determining mechanism ("... a specific image judging section" at column 3 line 63) configured to determine whether the received document image data is confidential upon a receipt of a data transmission request for the received document image data from an external terminal through the local area network ("...(ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via-a communications network" column 4 line 35); and

a control mechanism (Fig. 7 numeral 16 "control section") configured to refuse the data transmission request from the external terminal through the local area network, if the received document image data is determined to be confidential by the confidential data determining mechanism ("... (iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43),

wherein if the confidential data determining means determines that the received document image data is confidential, the received document image data is stored in the facsimile apparatus only in said first image data storing means that is inaccessible through the local area network (see rejection of claim 1).

Regarding claim 5, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network (see rejection of claim 1), comprising:

communicating means for performing a facsimile communications operation (see rejection of claim 4);

first image data storing means inaccessible through the local area network for storing image data representing a document image (see rejection of claim 4);

second image data storing means accessible through the local area network for storing image data (see rejection of claim 4);

backup arranging means for storing received document image data into the first image data storing means and selectively storing a copy of the received document image data into the second image data storing means (see rejection of claim 2 above);

confidential data determining means ("... a specific image judging section" at column 3 line 63) for determining whether the received document image data is confidential upon a receipt of a data transmission request for transmitting the received document image data from an external terminal through the local area network ("... (ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a communications network" column 4 line 35); and

controlling means (Fig. 7 numeral 16 "control section") for refusing the data transmission request from the external terminal through the local area network, if the received document image data is determined to be confidential by the confidential data determining means ("... (iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is

specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43),

wherein if the confidential data determining means determines that the received document image data is confidential, the received document image data is stored in the facsimile apparatus only in said first image data storing means that is inaccessible through the local area network (see rejection of claim 1).

Regarding claim 8, Ohhashi et al discloses a communication method for a facsimile apparatus coupled to a telephone line network and a local area network, comprising the steps of: performing a facsimile communications operation (see rejection of claim 1);

storing received document image data representing a received document image, into a first image data storing mechanism inaccessible through the local area network (see rejection of claim 1);

determining whether the received document image data is confidential upon a receipt of a data transmission request for the received document image data from an external terminal through the local area network (see rejection of claim 2);

copying the received document image data into a second image data storing mechanism accessible through the local area network, (see rejection of claim 1 wherein the backup arranging mechanism selectively stores a copy of the received document image data into the second image data storing mechanism); and

refusing the data transmission request from the external terminal through the local area network, if the received document image data is determined to be confidential by the determining step (see rejection of claim 2),

wherein if it is determined that the received document image data is confidential, the received document image data is stored in the facsimile apparatus only in said first image data storing mechanism that is inaccessible through the local area network.

Ohhashi et al fails to disclose copying the received document image data into a second image data storing mechanism if it is determined that the received document image data is not confidential.

Alt-N Technologies teaches sharing image data which is not confidential (Pg. 4 Public Access Benefits. See also Private and Public folders wherein private folders serve for storage of confidential data. If data is not confidential, it would be obvious to one of ordinary skill to make the documents publicly accessible.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the invention as disclosed by Ohhashi et al in combination with Woodhill et al wherein a backup mechanism selectively stores a copy of received document image data into a second image data storing mechanism accessible through the local area network to utilize the teaches of Alt-N Technologies wherein it is taught that non-confidential documents can be stored in public storage because of the known benefits, such as promoting and easing the centralized sharing of information by multiple users.

5. Claims 3, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al in view of Alt-N Technologies and Woodhill et al, and further in view of Shell Simpson et al (US 20040036907 A1).

Regarding claim 3, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network (see rejection of claim 1), comprising:

facsimile communications mechanism configured to perform a facsimile communications operation (see rejection of claim 1);

a first image data storing mechanism configured to store image data representing a document image and, the first image data storing mechanism being inaccessible through the local area network (see rejection of claim 1);

a second image data storing mechanism configured to store image data and to be accessible through the local area network (see rejection of claim 1);

a backup arranging mechanism configured to store received document image data into the first image data storing mechanism and selectively store a copy of file received document image data into the second image data storing mechanism (see rejection of claim 2);

a confidential data determining mechanism ("...a specific image judging section" at column 3 line 63) configured to determine whether the received document image data is confidential upon a receipt of a data transmission request for the received document image data from a web browser through the local area network ("... (ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a

communication network" column 4 line 35. A communications network encompasses the internet and therefore reads on an internet web browser);

a controlling mechanism (Fig. 7 numeral 16 "control section") configured to refuse the data transmission request from the web browser through the local area network, if the received document image data is determined to be confidential by the confidential data determining mechanism ("...(iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43),

wherein if it is determined that the received document image data is confidential, the received document image data is stored in the facsimile apparatus only in said first image data storing mechanism that is inaccessible through the local area network (see rejection of claim 1 above)..

Ohhashi et al fails to teach a web server mechanism configured to allow a web browser to show received document data.

However, Simpson et al teaches, in the same field of endeavor of controlling inbound facsimile transmissions ("The present invention relates to a system and methods for storing facsimile messages for later use" at paragraph [ 1 ], Simpson), a web server ("This is particularly powerful when using web applications (applications running on a server that exposes their user interface through web pages)" at paragraph [20], Simpson) configured to allow a web browser to show received document data ("In other instances, facsimile messages are sent via e-mail or are

deposited in a web-based repository associated with a domain name" at paragraph [24]. "Facsimile messages stored by web-based repositories are usually stored as image files for facilitating viewing with a web-browser"" at paragraph [24]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Simpson where the images are deposited into a web server to allow viewing of documents from a web browser with the apparatus and method disclosed by Ohhashi et al of secure facsimile document reception and transmission because the web browser has emerged as a universal messaging client and would appeal to a greater user base.

Regarding claim 6, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network, comprising:

communicating means for performing a facsimile communications operation (see rejection of claim 4);

web server means for allowing a web browser to show received document data (see rejection of claim 3);

first image data storing means inaccessible through the local area network for storing image data representing a document image (see rejection of claim 1);

second image data storing means accessible through the local area network for storing image data (see rejection of claim 1);

backup arranging means for storing received document image data into the first image data storing means and selectively store a copy of the received document image data into the second image data storing means (see rejection of claim 4);

confidential data determining means for determining whether the received document image data is confidential upon a receipt of a data transmission request for transmitting the received document image data from a web browser through the local area network (see rejection of claim 4); and

controlling means for refusing the data transmission request from the web browser through the local area network, if the received document image data is determined as confidential by the confidential data determining means (see rejection of claim 4),

wherein if it is determined that the received document image data is confidential, the received document image data is stored in the facsimile apparatus only in said first image data storing mechanism that is inaccessible through the local area network (see rejection of claim 1 above).

Regarding claim 9, Ohhashi et al discloses a communications method as performed by the apparatus as rejected in claim 3.

Ohhashi et al fails to disclose copying the received document image data into a second image data storing mechanism if it is determined that the received document image data is not confidential.

Alt-N Technologies teaches sharing image data which is not confidential (Pg. 4 Public Access Benefits. See also Private and Public folders wherein private folders serve for storage of

confidential data. If data is not confidential, it would be obvious to one of ordinary skill to make the documents publicly accessible.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the invention as disclosed by Ohhashi et al in combination wherein a backup mechanism stores a copy of received document image data into a second image data storing mechanism accessible through the local area network to utilize the teaches of Alt-N Technologies wherein it is taught that non-confidential documents can be stored in public storage because of the known benefits, such as promoting and easing the centralized sharing of information by multiple users.

6. Claims 10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al in view of Alt-N Technologies, Woodhill et al, and Simpson et al as applied to claim 9 above, and further in view of well-known principles in the art.

Regarding claim 10, Ohhashi et al discloses a communications method for a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 9 above. Ohhashi et al fails to teach a computer readable data recording medium storing a program which causes a computer to execute operations according to the communications method for a facsimile apparatus stated and rejected above in claim 9.

However, it is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer (processor/software) implemented. It is well known in the image processing arts that a computer implemented method performed by an

apparatus must contain a program residing on a "computer readable data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize, a computer readable data recording medium which stores the program for performing the above method as rejected in claim 9, in the invention disclosed by the Ohhashi et al to make the apparatus operational in carrying out the above methods.

Regarding claim 17, Ohhashi et al discloses a machine readable medium embodying a program of instructions executable by the machine (see rejection of claim 10) to perform the method as rejected in claim 9.

Regarding claim 18, Ohhashi et al discloses a computer system, comprising:  
a processor (There must exist a processor which carries out the processes described throughout the reference. (e.g., "...the following will explain operational processes in the digital image forming device according to the present embodiment in the case where a request for image data transmission is sent from an external device, such as the computer 3B or the like, via the Internet 5 and the LAN 6" at column 24 line 19, Ohhashi)); and

a program storage device readable by the computer system, tangibly embodying a program of instructions executable by the processor to perform the method claimed in claim 9 (see rejection of claim 10).

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al in view of Alt-N Technologies, Woodhill et al and Thorne et al as applied to claim 7 above, and further in view of well-known principles in the art.

Regarding claim 11, Ohhashi et al discloses the method claimed in claim 7.

Ohhashi et al fails to disclose a machine readable medium embodying a program of instructions executable by the machine to perform the method as rejected above.

It is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer implemented. It is well known in the image processing art that a computer implemented method performed by an apparatus must contain a "program" residing on a "computer readable "data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable data recording medium which stores the program for performing the above method as rejected in claim 7, in the invention disclosed by Ohhashi et al to make the apparatus operational in carrying out the above methods.

Regarding claim 12, Ohhashi et al discloses a computer system (facsimile device as rejected in claim 1 above is a "computing system"), comprising:

a processor (There must exist a processor to control and implement the "processes" described in the rejection of claim 7 above) ; and

a program storage device readable by the computer system, tangibly embodying a program of instructions executable by the processor (see rejection of claim 11) to perform the method as rejected in claim 7.

8. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al in view of Alt-N Technologies and Woodhill et al as applied to claim 8 above, and further in view of well-known principles in the art.

Regarding claim 14, Ohhashi et al discloses the method as rejected in claim 8 above.

Ohhashi et al fails to disclose a machine readable medium embodying a program of instructions executable by the machine to perform the method as rejected above.

It is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer implemented. It is well known in the image processing art that a computer implemented method performed by an apparatus must contain a "program" residing on a "computer readable "data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable data recording medium which stores the program for performing the above method as rejected in claim 8, in the invention disclosed by Ohhashi et al to make the apparatus operational in carrying out the above methods.

Regarding claim 15, Ohhashi et al discloses a computer system (Fig. 1 numeral 1), comprising:

a processor (Processor which carries out the processes described throughout the reference. "...the following will explain operational processes in the digital image forming device according to the present embodiment in the case where a request for image data transmission is sent from an external device, such as the computer 3B or the like, via the Internet 5 and the LAN 6" at column 24 line 19, Ohhashi); and the program storage device as rejected in claim 14.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al in view of Alt-N Technologies, Woodhill et al, and Thorne et al as applied to claim 1 above, and further in view of Stephen Larry McBride (US 6757698 B2).

Regarding claim 20, Ohhashi et al discloses the facsimile apparatus as rejected in claim 1. Ohhashi et al fails to disclose or fairly suggest wherein said backup mechanism checks contents of the first and second storing mechanism, and if one of the first and second storing mechanisms includes non-confidential contents that are not in the other of the first and second storing mechanisms, said backup mechanism duplicates the non-confidential contents of the one of the first and second storing mechanisms to the other of the first and second storing mechanisms.

McBride, in the same field of endeavor of electronic data backup, teaches a backup mechanism checks contents of the first and second storing mechanism ("... a mirroring agent application running at each node periodically checks predetermined files and/or data to determine whether such files/data have changed. Upon the agent at the node finding that a

file/data has changed, the agent commences to check with agents at other pre-determined nodes to see whether the file/data needs to be updated at the other nodes" at column 14 line 65), and if one of the first and second storing mechanisms includes non-confidential contents (which is already determined by the teachings of Thome et al in claim 1 rejection above; only non-confidential data is configured to be copied or archived) that are not in the other of the first and second storing mechanism, said backup mechanism duplicates the non-confidential contents of the one of the first and second storing mechanisms to the other of the first and second storing mechanisms ("... communicate with the B agent to determine if the B node (305) contains a version of the data different from that stored on the A node (306); if so, determine along with the B agent which version is more current; and assuming the A version is more current, send the A version to B, upon which B appropriately updates the B version of the file/data in storage (312) with the data received from node A (306)" at column 15 line 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method as taught by McBride of checking the contents of a storage device with the contents of a backup device to synchronize the memory devices with the backup mechanism as taught by Ohhashi et al in which non-confidential data is backed up to a remote publicly accessible storage unit because it would keep the data contained in both storage locations synchronized and updated.

***Response to Arguments***

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARES WASHINGTON whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/King Y. Poon/

Application/Control Number: 10/766,724  
Art Unit: 2625

Page 25

Supervisory Patent Examiner, Art Unit 2625

/Jamares Washington/  
Examiner, Art Unit 2625

/J. W./  
Examiner, Art Unit 2625

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